

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Roanoke Division

ISAW WALEED BLAKE,

Plaintiff,

v.

CIVIL ACTION NO. 7:23-cv-381

MR. HOLLOWAY, et al.,

Defendants.

**DEFENDANTS' OBJECTIONS AND RESPONSES TO PLAINTIFF'S
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

Come now, Defendants T. Joseph, Tikki Hicks, David A. Lee, David Bogle, Jeremy Remines, Justin Salyers, Bobby J. Dye, Dusty L. Cline, Erwin C. Browning, Cordie J. Edmonds, Cody R. McBride, Senior Special Agent Wagner, Assistant Chief J. Lawson, Roger Hylton, and H. E. Johnson, by counsel, for their Objections and Responses to Plaintiff's First Request for Production of Documents, state as follows:

2. Any and all policies, directives, or instructions to staff concerning the Use of Tear Gas or other chemical agents by (PSCC) staff.

RESPONSE: Objection. Defendants object to the production of any VDOC Operating Procedures ("OP") this is restricted from inmate access. The disclosure of the contents of such OPs could jeopardize security and safety at VDOC prison facilities because the disclosure of the information in the OP would inform inmates to security and search protocols and procedures and permit the subversion of such procedures designed to ensure security and safety. Moreover, whether or not an OP was violated has no bearing on whether or not the Defendants violated the First, Eighth, and Fourteenth Amendments to the United State Constitution. The central inquiry

in this case is into the actions of the Defendants, not their compliance or non-compliance with a VDOC OP. OP 420.1, Use of Force, is not being produced because disclosure of this OP (which is not available to the public and is not available for incarcerated inmates) concerns sensitive security practices.

Without waiving the foregoing objection and subject to the same, Defendants are producing OP 350.3, Firearms, Chemical Agents, and Less Lethal Training, BLAKE 381 0001 – BLAKE 381 0012.

3. Any and all policies, directives, or instructions to staff concerning the Use of Force/or Excessive Use of Force by (PSCC) staff.

RESPONSE: See objection and response to #2.

4. Any and all policies, directives, or instructions to staff governing sick call procedures, both in general population and in segregation.

RESPONSE: Defendants are producing OP 720.1, Access to Health Services, BLAKE 381 0013 – BLAKE 381 0022. In addition, all inmates upon their transfer into PSCC receive a medical orientation explaining sick call procedures. General population inmates, submit their sick call request into the sick call box outside of the chow hall on their way to breakfast Monday – Friday. Medical receives the requests, screens them, and schedules them for the next day to be seen by the nurse as long as there are no urgent issues noted on the request form. If urgent, medical will attempt to see them the same day. For restorative housing, they fill out the sick call request form and submit it to the AM pill nurse Monday – Friday to access sick call. The requests are screened, and they are scheduled for the next day to be seen by the nurse as long as

no urgent issues are noted on the request form. If urgent medical will attempt to see them that same day.

7. The Plaintiff's complete medical record from May 30, 2002, to the date of your response.

RESPONSE: Objection. Defendants are producing Blake's medical records from January 2021 to January 2024, BLAKE 381 0023 – BLAKE 381 0190.

10. Any and all documents, including but not limited to Use of Force, Excessive Use of Force/Deaths reports, created by any (PSCC) staff member or any other Department of Correction employee or officials concerning any Use of Force, Excessive Use of Force incident involving Plaintiff on or about 9/13/2022 or any investigation or action concerning that incident.

RESPONSE: Defendants are producing the following documents:

- Incident Report from 9/13/22 (BLAKE 381 0191 – BLAKE 381 0193)
- Internal Incident Reports from 9/13/22 (BLAKE 381 0194 – BLAKE 381 0203)
- Disciplinary Records from 9/13/22 incident (BLAKE 381 0204 – BLAKE 381 0209)
- Grievance Records regarding 9/13/22 incident (BLAKE 381 0210 – BLAKE 381 0222)
- ICA Documentation following 9/13/22 incident (BLAKE 381 0223 – BLAKE 381 0224)
- SIU Report (REDACTED) from 9/13/22 incident (BLAKE 381 0225 – BLAKE 381 0274)

In addition, you were allowed to view the video interview of you by Special Investigations Unit Agent J. Wagner pursuant to the Court's minute order entered on January 12, 2024. The signed video review acknowledgment (BLAKE 381 0275) is being produced.

Respectfully submitted,

MS. TIKI HICKS; DAVID A. LEE; DAVID
BOGLE; JEREMY REMINES; JUSTIN
SALYERS; BOBBY J. DYE; DUSTY L. CLINE;
ERWIN C. BROWNING; CORDIE; J.
EDMONDS; CODY R. MCBRIDE; SENIOR
SPECIAL AGENT WAGNER; ASSISTANT
CHIEF J. LAWSON; ROGER HYLTON; H.E.
JOHNSON

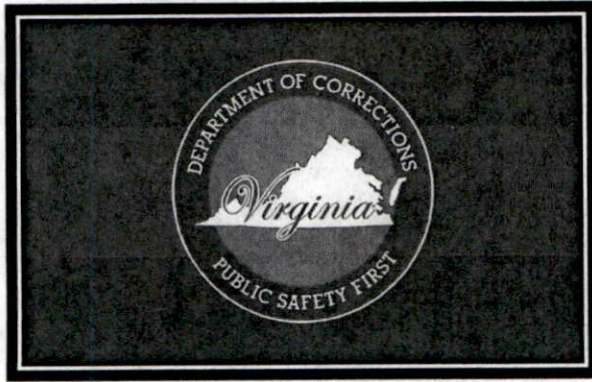
By: s/ Andrew R. Page
Andrew R. Page, AAG, VSB #80776
Assistant Attorney General
Office of the Attorney General
Criminal Justice & Public Safety Division
202 North Ninth Street
Richmond, Virginia 23219
Phone: (804) 786-4805
Fax: (804) 786-4239
Email: arpage@oag.state.va.us

CERTIFICATE OF SERVICE

I hereby certify that on the 8th of February 2024, I provided the foregoing Defendants' Objections and Responses to Plaintiff's Request for Production of Documents (ECF Nos. 47 and 50; and in compliance with ECF No. 49), postage prepaid, to:

Isaw Blake #1106405
VDOC Centralized Mail Dist. Ctr.
3521 Woods Way
State Farm, VA 23160.

s/ Andrew R. Page
Andrew R. Page, AAG, VSB #80776
Office of the Attorney General
Criminal Justice & Public Safety Division
202 North 9th Street
Richmond, Virginia 23219
(804) 786-4805
(804) 786-4239 (Fax)
Email: arpage@oag.state.va.us



Virginia Department of Corrections

Staff Training

Operating Procedure 350.3

Firearms, Chemical Agents, and Less Lethal Training

Authority:

Directive 350, Staff Training

Effective Date: July 1, 2021

Amended: 11/1/21

Supersedes:

Operating Procedure 350.3, June 1, 2018

Access: ☐ Restricted ☒ Public ☐ Inmate

ACA/PREA Standards:

5-ACI-1D-20; 1-CTA-3A-16, 1-CTA-3A-20, 1-CTA-3A-23, 1-CTA-3A-24, 1-CTA-3B-03, 1-CTA-3B-04, 1-CTA-3B-05, 1-CTA-3B-08, 1-CTA-3B-09, 1-CTA-3B-10

Content Owner:	Luke E. Black Training Director	<i>Signature Copy on File</i>	6/1/21
		Signature	Date
Reviewer:	Lisa C. Hernandez Corrections Administration Manager	<i>Signature Copy on File</i>	6/1/21
		Signature	Date
Signatory:	Joseph W. Walters Deputy Director for Administration	<i>Signature Copy on File</i>	6/2/21
		Signature	Date

REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

The content owner reviewed this operating procedure in June 2022 and determined that no changes are needed.

The content owner reviewed this operating procedure in June 2023 and necessary changes are being drafted.

COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections. Practices and procedures must comply with applicable State and Federal laws and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

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DEFINITIONS

Academy (ASD) - Any DCJS certified training school operated by the DOC; includes the Academy for Staff Development - Central Campus (ASD-C), Academy for Staff Development - Western Campus (ASD-W), Academy for Staff Development - Eastern Campus (ASD-E), and satellite academies (including institutional training schools).

ANSI/ISEA Z87.1 - American National Standard for Occupational and Educational Personal Eye and Face Protection Devices.

Department of Criminal Justice Services (DCJS) - The agency with statutory authority to establish compulsory minimum entry-level, and advanced training standards for Corrections Officers, and time limits for completion of such training; qualifications for certification of criminal justice instructors, and standards for criminal justice training centers.

Distraction Device - A device that uses an explosive charge to create an intense amount of light and noise in order to disorient those affected. (Flashbang grenade)

Explosive Device - A device that uses the rapid expansion of burning gases to expel chemical agents and/or projectiles into the surrounding area.

Firearms Instructor - An employee of the DOC or other criminal justice agency who has satisfactorily met all requirements for the instruction of firearms related topics by DCJS.

Firearms Training Site - A training location that has been approved for use for firearms training by the ASD utilizing criteria established by DCJS.

Institutional Training Officer (ITO) - A designated facility employee who is responsible for the overall management and coordination of training at a satellite academy.

Less Lethal Instructor - An employee who has completed and remains certified through an ASD approved Less Lethal Instructor program.

Noise Reduction Rating (NRR) - A measurement using the decibel as its standard unit to identify the amount of sound reduction a particular hearing protection item provides. This rating is required to be present on the packaging of all OSHA tested hearing protection devices.

Pyrotechnic Device - A device that utilizes the controlled burning of combustible material to expel smoke or chemical agent into the atmosphere.

Range Safety Officer (RSO) - A certified firearms instructor who while conducting firearms training for the DOC exerts overall control of all aspects of the firearms training session. This individual has authority over those participating in all firearms training related duties during the course of a given training session.



PURPOSE

This Operating Procedure establishes protocols for the safe and effective conduct of firearms, chemical agents and less lethal training within the Department of Corrections (DOC).

PROCEDURE**I. General**

- A. This operating procedure, applicable Training Checklists and Firearms Safety Manuals provide detailed directions on the conduct and supervision of training involving the use of firearms and chemical agents. (1-CTA-3B-10)
- B. All DOC firearms instructors and those from other criminal justice agencies who are providing instruction for DOC employees and/or are utilizing DOC controlled firearms training sites will be provided with and will acknowledge receipt of a copy of this Operating Procedure.
- C. Firearms Instructors must remain certified with the Department of Criminal Justice Services (DCJS) in accordance with current regulations in order to conduct firearms training. (1-CTA-3A-16)
- D. A currently certified firearms instructor will accompany firearms instructor apprentices and approved groups of individuals at all times while firearms instruction or other firearms related activities are occurring on a DOC controlled firearms training site.
- E. Any individual who is determined to not be a certified firearms instructor will not provide any firearms instruction or coaching at any time during DOC firearms training programs.
- F. Firearms Training Site Certification Process
 - 1. All newly proposed firearms training sites must be certified for use in DCJS programs prior to use.
 - 2. All currently certified firearms training sites must be re-certified at least every three years or after any significant modification or changes to the physical layout of the location.
 - 3. The DCJS firearms training site certification process will be coordinated through the Academy for Staff Development (ASD) Security Training Unit.
- G. Firearms training courses will cover the use, safety, and care of firearms and the constraints on their use. Courses must include a demonstration of individual student competency.
 - 1. Only training materials that have been approved for use by the ASD are to be used for the training of DOC employees. (1-CTA-3A-23; 5-ACI-1D-20)
 - 2. Before any live fire training occurs, all participants will conduct hands on dry fire training with the firearm and associated equipment in order to demonstrate proficiency and safe handling of the equipment being utilized.
- H. Chemical agents and less lethal training courses must cover the use and handling of chemical agents and less lethal munitions, as well as the treatment of individuals exposed to a chemical agent.
 - 1. Training courses must include a demonstration of individual competency.
 - 2. Only training materials that have been approved for use by the ASD are to be used for the training of DOC employees. (1-CTA-3A-24)
 - 3. Before any live chemical agent and/or less lethal munition training occurs, all participants will conduct hands on training with an inert chemical agent delivery system and/or less lethal deployment system in order to demonstrate proficiency and safe handling of the equipment utilized.
- I. Weapon retention techniques will be part of Defensive Tactics and/or Firearms training for all employees authorized to carry firearms.

- J. All Use of Force curriculum will include that use of physical force is limited to instances of justifiable

self-defense, protection of others, protection of property and prevention of escapes, and then only as a last resort and in accordance with DOC training and Operating Procedure 420.1, *Use of Force*, the appropriate staff should also reference Operating Procedure 440.6, *Community Corrections Facility Security Management* and Operating Procedure 910.2, *Probation and Parole Use of Force* as necessary. (1-CTA-3A-20)

1. In no event is physical force justifiable as punishment.
2. An incident report is required following all uses of force and is submitted to administrative staff for review.

II. Safety

A. Safety Rules

1. Individuals handling weapons will observe all safety regulations. (1-CTA-3B-08)
 - a. Weapons are subject to stringent safety regulations and inspections.
 - b. Employees carrying or handling firearms do so only in areas that are inaccessible to inmates.
 - c. Employees supervising training participants follow this operating procedure and the Firearms Safety Manual for ensuring the safety and security of the weapons.
2. Current range and firearms safety rules will be posted in a conspicuous and permanent manner at DOC controlled firearms training sites.
3. Additional rules or guidance required based upon the layout and/or capabilities of the firearms training site are to be posted as needed; i.e. caliber limitations, off-limits areas, etc.
4. All participants engaging in firearms, chemical agents and/or less lethal training must read and sign a copy of the current *Firearms Safety Rules 350_F9* prior to participating in training. This also applies in the following situations:
 - a. A non-DOC criminal justice agency employee that is utilizing a DOC controlled firearms training site. Once completed, these forms are to be turned over to the Unit Head or designee of the facility with overall responsibility for the firearms training site, and maintained on file in accordance with the Library of Virginia.
 - b. A DOC employee conducting firearms training on a non-DOC controlled firearms training site. This will be in addition to any safety rules mandated by the training site.
5. The Range Safety Officer (RSO) will read aloud the range safety rules at the beginning of all DOC firearms, chemical agents and/or less lethal training sessions.
 - a. This will be done daily prior to training for programs that are longer than one day in duration.
 - b. Any training session that will also incorporate intense physical activity or defensive tactics techniques must include the reading and signing of *Physical Training Safety Rules 350_F33* and/or *Defensive Tactics Safety Rules 350_F34* as appropriate.

B. General Range Safety

1. No one is to ever move forward of a firing line during firearms training.
2. No one is to ever move into an impact area of a firearms training site without first ensuring the range is clear and notifying another person present of the intent to move into the impact area. Once the person(s) exits the impact area, the second person will be notified that the impact area is clear and training may resume.
3. Participants may remain on the firing line of the range while a person is down range or in the impact area, however all weapons will be cleared and training participants will face away or step away from the firing line with hands behind their backs while this occurs.
4. Vehicle traffic and unnecessary movement will be kept to an absolute minimum at all times while conducting live fire or live agent training.



5. All entry and exit points of the firearms training site are to remain open and accessible at all times while training is occurring. These same entry and exit points are to remain closed and secured with appropriate locking devices at all times when the site is not in use.
6. All firearms, ammunition, chemical agents, munitions and less lethal launchers not being utilized while the firearms training site is in use must be made safe and secured.
7. The safe loading and unloading of firearms and less lethal launchers is outlined in training materials for each weapon, as well as in Operating Procedure 910.2, *Probation and Parole Use of Force* and 430.1, *Armory Operation & Maintenance* (1-CTA-3B-09)
8. All weapons being moved on the range or moved to be secured for transport will be unloaded with their action open and muzzle pointed in a safe direction in accordance with Firearms Safety Manuals.
9. Employees who are issued and carry a firearm on duty will unload the firearm prior to the beginning of any training session. These employees are authorized to load their firearm with duty ammunition after the conclusion of the training prior to departure from the training site.

C. Personal Protective Equipment

1. All persons participating in, observing, or in the vicinity of live fire training will wear all required protective equipment necessary for the safe conduct of firearms, chemical agents and less lethal training. This includes:
 - a. Eye protection
 - i. Eye protection must be rated at Z87+ utilizing current ANSI/ISEA Z87.1 standards.
 - ii. Eye protection must also be worn at all times when cleaning firearms or less lethal launchers.
 - iii. Eye protection may be removed when utilizing certain chemical agents if exposure to the eyes is necessary for the training. This will not be done with launched or detonating chemical munitions.
 - b. Hearing protection
 - i. Hearing protection must have a combined Noise Reduction Rating (NRR) of at least 31db.
 - ii. Appropriate NRR may be achieved by a utilization of over-ear hearing protection (ear-muffs) rated at 31db or better, or with a combination of in-ear hearing protection (earplugs) and over-ear hearing protection (ear-muffs).
 - iii. Regardless of NRR rating, in-ear hearing protection (earplugs) will not be worn without over-ear hearing protection (ear-muffs).
 - c. Head protection
 - i. All persons must wear either a hat with a rigid brim (baseball style) or a protective helmet (tactical style) during training. It is the responsibility of the RSO to determine which headwear is appropriate for the training.
 - ii. Head protection may be removed when utilizing certain chemical agents if exposure to the eyes and/or forehead is necessary for the training. This will not be done with launched or detonating chemical munitions.
 - d. Other protective clothing
 - i. Long pants that provide coverage to at least the top of shoes will be worn by all participants and instructors during all live fire and less lethal munitions training.
 - ii. Gloves will not be worn during live fire or less lethal munition training unless the training program specifically dictates otherwise. Gloves may be worn by participants and instructors while not engaged in live fire training.
 - iii. Protective gloves will be worn by all persons handling hand-held pyrotechnic, explosive and distraction devices at all times. This includes while conducting inventory and inspection of devices.
 - iv. The RSO may require additional safety equipment/clothing be utilized based upon conditions.
2. The RSO and other instructors will wear clothing and protective equipment that identifies them as



instructors. This clothing or equipment must meet all safety ratings as described above. These items may include:

- a. Bullet resistant vest with highly visible outer shell.
- b. Items labelled "instructor" or "firearms instructor".
- c. Red clothing items such as hats and shirts.
- d. Approved DOC uniforms with a red hat.

D. Supervision of training activities

1. Every training session will have an identified Range Safety Officer (RSO) prior to beginning of training. The designated firearms instructor assigned to this role will identify themselves as such to all participants, observers, and other firearms instructors present prior to the beginning of any live fire or live agent training. The RSO will be responsible for the overall conduct of the range including:
 - a. Inspection of firearms training site prior to and at the conclusion of any training session
 - b. Identification and reporting of any maintenance or safety issues observed at the site
 - c. Accountability of training participants at the training site
 - d. Responsibilities of other firearms instructors present
 - e. Enforcement of all rules and procedures at the training site
 - f. Accountability of all firearms, ammunition, chemical agents, less lethal launchers, munitions or other equipment required for training
 - g. All firearms will be cleared prior to and at the end of each training session
 - h. Ensuring that no live ammunition is present in any classroom space
 - i. Ensuring that only ammunition which is to be used for the training session is present at the training site
2. Firearms training sites that contain more than one distinct firing range; e.g. ASD - Central Campus, must have a separate RSO for each firing range that is in use at any given time.
3. Training participants must be under the direct supervision of a certified instructor at all times when handling firearms, chemical agents, or less lethal devices.
4. All DOC training for firearms, chemical agent, and less lethal requires the presence of at least two firearms instructors.
5. All DOC handgun live fire and practical training will maintain an instructor to participant ratio of at least 6:1; not including the RSO.
 - a. A handgun training session with up to six participants will have at least one instructor for the participants plus the RSO.
 - b. A handgun training session with seven to twelve participants will have at least two instructors for the participants plus the RSO.
 - c. A handgun training session with twelve to eighteen participants will have at least three instructors for the participants plus the RSO.
 - d. The total number of participants engaging in live fire at any given time will not exceed eighteen.
 - e. The handgun training ratio only applies to live fire and practical exercises. A training session may have more participants enrolled than the ratio allows; in this case the class will be split into groups that will allow the ratio to be maintained while engaged in live fire and practical exercises.
6. During the actual range instruction for rifle, shotgun, and less lethal qualification the instructor to participant ratio will be 1:1.
7. Rifle, shotgun, and less lethal training not associated with a qualification will maintain the same instructor to participant ratios as handgun training.



8. Chemical agent exposure training will be conducted in accordance with approved ASD training materials.
9. If chemical agents are utilized, a minimum of one Less Lethal Instructor will be present to ensure proper clean up and decontamination procedures are followed.
10. During firearms training, uncertified employees may carry and use DOC firearms for the purpose of completing training requirements and qualification under the direct and immediate supervision of a DCJS certified firearms instructor. This restriction does not apply to officers completing Phase 4 requirements under the direct and immediate supervision of a Field Training Officer.

E. Flag System

1. All DOC controlled firearms training sites will utilize a flag system to identify the status of the range while in use.
2. Flags will be flown on a standard flag pole at the entrance or other conspicuous location at all DOC firearms training sites while they are in use.
3. Usage of flag system will be standardized for all DOC controlled firearms training sites.
 - a. A solid red warning flag will be flown to identify the site as conducting live fire.
 - b. A solid green or solid green with yellow letters spelling "GAS" will be flown to identify the site as conducting chemical agent or less lethal training.
4. If a site is conducting live fire and chemical agent/less lethal training concurrently, the red flag will be flown above the green flag on the same flag pole.
5. Additional forms of range status notification may be utilized in addition to flags as appropriate, such as lights and signage.
6. If the site is occupied for reasons other than live fire, chemical agent, or less lethal training, no flag is required.

F. Lead Hazard Awareness

1. Lead is a toxic chemical that is known to have several negative health effects on humans and animals, particularly children and fetuses. Lead is present in most forms of firearms ammunition in the projectile as well as combustible lead in the ammunition propellant.
2. The following lead exposure mitigation measures will be observed at all times.
 - a. Medical or food service grade gloves and protective eyewear will be worn at all times while cleaning or maintaining firearms and less lethal launchers.
 - b. Medical or food service grade gloves will be worn at all times while cleaning firearms training facilities and picking up spent ammunition casings.
 - c. No food or drink will be consumed, except for in designated locations at firearms training facilities.
 - d. Spent ammunition casings will never be placed in pockets or in hats.
 - e. Frequent handwashing will be enforced by the RSO.
 - f. If cleaned indoors, firearms and less lethal launchers must be in a clean and ventilated area.

III. Approved Firearms, Chemical Agents, Less Lethal Munitions

- A. All firearms, chemical agents, and less lethal training is to be conducted only using approved firearms, ammunition, chemical agents, less lethal munitions, launchers, and other associated equipment as defined in DOC Operating Procedure 420.1, *Use of Force*.
- B. Utilization of any non-approved equipment or firearms on DOC controlled firearms training sites must be approved by an ASD Security Training Manager or higher authority at ASD sites, or the Unit Head at facility controlled sites.



C. Non-DOC criminal justice employees utilizing DOC controlled firearms training facilities are to use equipment and firearms approved for use by their employing agency while conducting training on DOC controlled firearms training facilities. It is the responsibility of the visiting agency to report what firearms, ammunition, chemical agents, less lethal munitions, or other equipment will be utilized to the Unit Head or designee prior to being authorized to conduct training on any DOC controlled firearms training site.

IV. Qualification (5-ACI-1D-20)

A. All qualification attempts will be documented on a *Range Qualification - Facilities 350_F26*, *Range Qualification - VDOT 350_F27*, *Range Qualification - Non-Custodial 350_F41* or *Range Qualification - Probation & Parole 910_F5*. (added 11/1/21)

B. Correctional Security Employees (Officer through Major)

1. Firearms

- a. Certification with the current agency approved handgun, rifle and shotgun is mandatory for DOC security employees.
- b. Certification will use the currently approved DCJS courses of fire.
- c. Initial qualification will be conducted by ASD.
- d. All employees will re-qualify within 365 days in order to maintain certification.

2. Less Lethal Munitions

- a. All Corrections Officers assigned to a post equipped with impact munitions must be currently qualified in their use. Therefore, certification with less lethal launchers and munitions is mandatory for DOC security employees employed at facilities identified in Operating Procedure 420.1 - *Use of Force* as having interior gun posts.
- b. Employees will only use currently approved ASD training programs.
- c. New security employees will conduct initial qualification at ASD. Transfers and rehires may conduct initial certification at employing facility.
- d. Certified employees will re-qualify within 365 days in order to maintain certification.

3. Chemical Agents

- a. Certification with oleoresin capsicum (OC) is mandatory for DOC security employees.
- b. Initial certification will be conducted by ASD.
- c. Re-certification will be conducted within 365 days from their last certification.

C. Non-Custodial Employees

1. Only those Non-Custodial employees identified in Operating Procedure 420.1, *Use of Force* and functioning in a position as an Authorized Non-Custodial Positions may be authorized to carry a firearm in the performance of duties.
 - a. Employees must complete the ASD non-custodial firearms program prior to being issued a firearm.
 - b. Employees must complete the non-custodial recertification program on an annual basis in order to remain certified.
 - c. These employees are only authorized to carry the agency approved handgun unless they hold separate certifications for additional force options.
2. Non-Custodial Employees will be issued a firearms carrier card by the ASD upon certification.
 - a. The firearms carrier card will be carried by the employee at all times while armed
 - b. The firearms carrier card will be surrendered to the ASD immediately upon the following events occurring:
 - i. Qualification time period expires (will be reissued once recertification is complete)
 - ii. No longer in an authorized position



iii. Is instructed to do so by the Director of DOC.

- D. Probation and Parole armed employee authorization to carry firearms and certification requirements are outlined in Operating Procedure 910.2, *Probation and Parole Use of Force*.
- E. Virginia Department of Transportation (VDOT) employees who require firearms training will be trained in accordance with the current MOU between DOC and VDOT.

V. Failure to Qualify

- A. Failure to qualify during the Basic Corrections Officer (BCO) program will result in the employee being recycled from the BCO program and a Missed / Made-up Training Incident Report (MTR) will be sent to the employing facility. Conditions required for returning to the BCO program will be outlined in the MTR.
- B. Any employee who fails to recertify with any required firearms will not be authorized to have access to any firearm except for the purpose of training until such time as they complete recertification.
- C. All failures during recertification firearms training by security staff are to be reported to the facility Chief of Security by the close of the next business day.
- D. An employee may be considered to fail qualification under any of the following circumstances:
 - 1. Scoring below the minimum passing score on three consecutive attempts with any firearm.
 - 2. Failure to demonstrate correct weapons handling and manipulation procedures during any portion of firearms training.
 - 3. Violations of *Firearms Safety Rules 350_F9*.
 - 4. Other acts conducted during firearms training deemed by the RSO to be unsafe or that would otherwise justify failure of training session.
- E. The procedure associated with an employee who fails to recertify is as follows:
 - 1. Employee will be marked as Incomplete (I) on the Field Training Roster and will be awarded no training credit. In addition to this, a brief explanation will be included in the remarks section of the roster.
 - 2. An MTR will be generated that details the failure to qualify.
 - a. Total number of hours missed will reflect the total number of hours for the training session.
 - b. The employee will be marked as a Recycle.
 - 3. The employee will return to complete an entire firearms training session within 60 days of the failure.
 - 4. Only after the employee has completed an entire training session and qualified on all mandatory weapons is the bottom section of the MTR to be completed.
 - 5. Once completed, the MTR, all rosters, and all agendas are to be retained in the employee's training record.

VI. Emergencies

- A. The RSO will have an up-to-date list of emergency contacts such as fire, law enforcement, and EMS prior to the beginning of any firearms training. All firearms training sessions will have some way to contact emergency services on-site during training.
- B. The RSO will ensure that appropriate first-aid equipment is present during all firearms training sessions, including a gunshot trauma kit and that there are employees present trained in their use.

VII. Reporting Incidents

- A. Incidents of property damage, misuse, or equipment failure are to be reported to the following personnel:



1. ASD-Eastern and Western campus range - Facilities Manager
 2. ASD-Central campus range - Training and Development Manager - Operations.
 3. Facility ranges - Unit Head
- B. Any significant safety issue encountered at any DOC firearms training is to be immediately reported to the Unit Head of the facility affected.
- C. Any emergency occurring on a firearms training site will be reported immediately to the Unit Head once the safety of the situation allows.

VIII. ASD Armory

- A. All ASD owned chemical agents, electronic control devices, and other security devices will be made available to individuals qualified in their use given appropriate justification. These devices will be stored in an ASD armory in accordance with Operating Procedure 430.1, *Armory Operation & Maintenance* and within the provisions of any established Local Operating Procedures. (1-CTA-3B-03)
- B. Each ASD campus will provide an environmentally proper repository for the storage of weapons, ammunition, chemical agents, and other related items.
1. The ASD Armories provide secure but readily accessible depositories for firearms, chemical agents, and other security related items outside of participant and public activity areas at each ASD campus. (1-CTA-3B-05)
 2. A closed circuit video camera will be installed and properly maintained at all ASD armory entrances to monitor traffic into and out of the armory.
- C. A quarterly inventory will be performed for all firearms, chemical agents, less lethal launchers, munitions, ammunition, and other security equipment to determine their condition and expiration dates where applicable. (1-CTA-3B-04)
- D. Each Academy campus will have a minimum of one employee trained to service all weapons stored in the armory.
- E. The Training and Development Manager - Operations has overall supervision responsibility of the ASD Armories.
- F. The Emergency Services Unit Administrator must approve and provide written documentation of approval through DOC email for firearms to be exchanged, added to, or removed from an ASD armory inventory.
- G. On each business day, a designated ASD employee will conduct an accountability review of all armory security equipment, to include all weapons.
1. The accountability review will be documented in a permanent log and maintained for a period of no less than three years or until the completion of the next audit.
 2. Discrepancies will be reported immediately to the Training and Development Manager - Operations.
 3. Any unaccounted for weapons will be immediately brought to the attention of the Director of Security and Correctional Enforcement and the Deputy Director for Administration.
- H. By January 15th each year, the ASD will submit to the Chief of Field Operations a certified inventory of the following items:
1. Firearms and less lethal launchers listed individually by serial number.
 2. Protective masks, grouped by brand and model.
 3. Protective vests, grouped by brand, model, and expiration date.
 4. Chemical agents, less lethal munitions, distraction devices, and pyrotechnics, grouped by brand, model



and expiration date.

- I. The ASD Armorer must make an entry into TMS to document each time a weapon is test fired, repaired, inspected, or maintenance is performed; routine cleaning should not be entered into TMS.
 1. All weapons must be inspected, test fired, and cleaned at least every six months.
 2. All weapons must be inspected no less than annually. All worn or broken parts will be replaced when inspected.
- J. The ASD Armorer will be responsible for the overall operation of the ASD-Central Campus firearms training site.
- K. Weapon repair
 1. Certified armorers are responsible for completing repairs to weapons. Any weapon that requires manufacturer level service will be processed through the ASD.
 2. All weapons found to be in need of repair will be marked with a repair tag. The tag must state what suspected repair is required if known. The tag will include the date the weapon was removed from service and the printed name of the employee who removed the weapon from service.

REFERENCES

Operating Procedure 420.1, Use of Force

Operating Procedure 430.1, Armory Operation & Maintenance

Operating Procedure 440.6, Community Corrections Facility Security Management

Operating Procedure 910.2, Probation and Parole Use of Force

ATTACHMENTS

None

FORM CITATIONS

Firearms Safety Rules 350_F9

Range Qualification - Facilities 350_F26

Range Qualification - VDOT 350_F27

Physical Training Safety Rules 350_F33

Defensive Tactics Safety Rules 350_F34

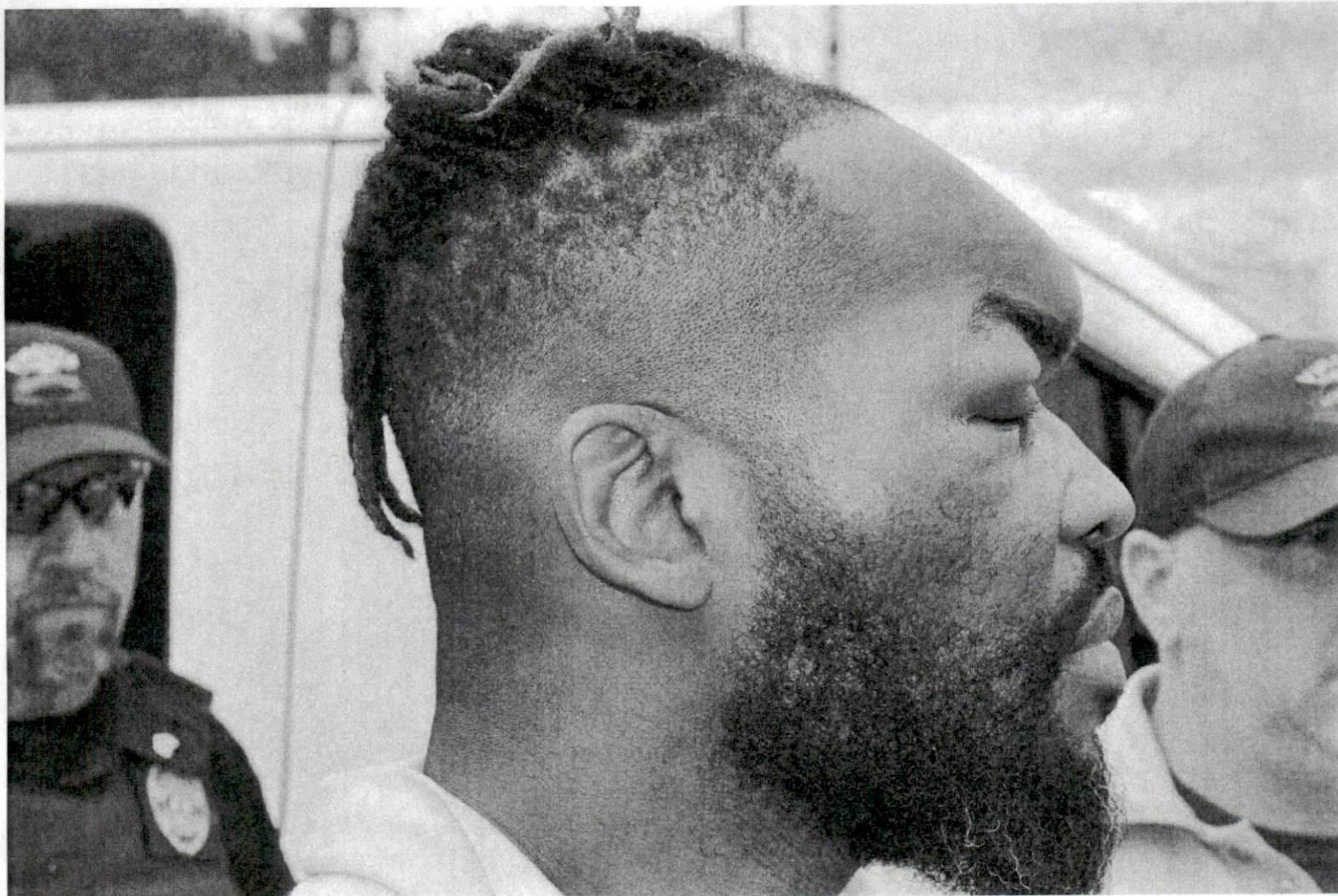
Range Qualification - Non-Custodial 350_F41 (added 11/1/21)

Range Qualification - Probation & Parole 910_F5



Exhibit B1

10/04/2022 - Original File Name: pic 2.jpg



10/04/2022 - Original File Name: pic 3.jpg



10/04/2022 - Original File Name: pic 1.jpg

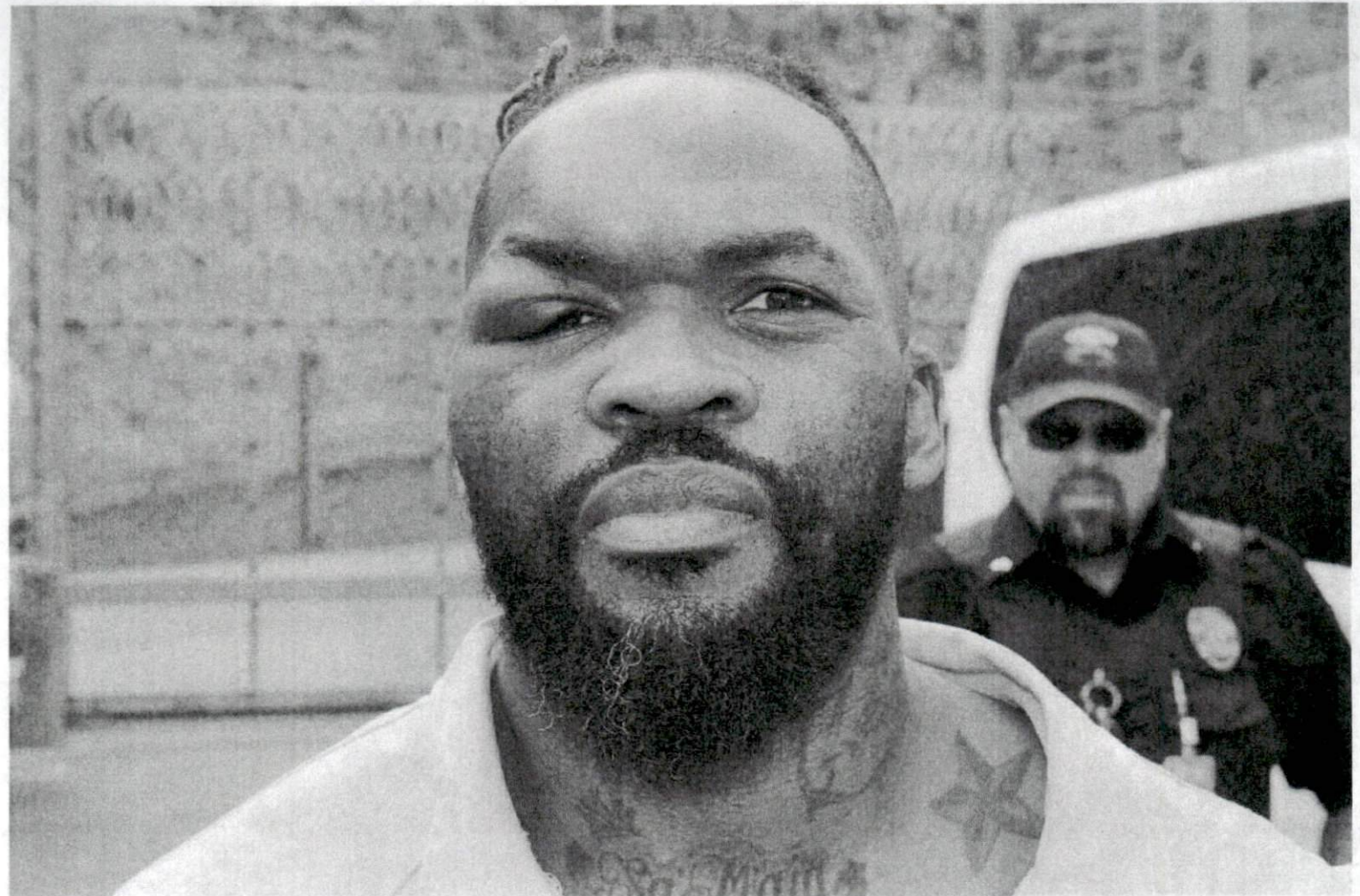


Exhibit B-1

10/04/2022 - Original File Name: pic 5.jpg



10/04/2022 - Original File Name: pic 6.jpg



10/04/2022 - Original File Name: pic 7.jpg



10/04/2022 - Original File Name: pic 4.jpg



09/14/2022 - Original File Name: img966.jpg

inmate continued to approach Officer Sagady, threatening to "beat his ass". At this point, Officer Sagady administered a 1/2 to 1 second burst of O/C spray, to the target specific areas of the inmate. The inmate then actively began assaulting Officer Sagady. Officer Sagady announced for assistance on the building channel, which was then relayed on channel one by the control room officer. OIT Poe then immediately responded back to the location to assist Officer Sagady. Officer C. Poseno arrived at the location and gave inmate Blake multiple orders to get on the ground to be restrained, but the inmate refused. Officer Poseno then administered a 1/2 to 1 second burst to the inmate's target specific areas. Officer Poseno and other staff members who arrived then attempted to gain control and restrain the inmates. Due to the inmates continued refusal to comply with directives by resisting to relinquish his arms, Sgt. Remines utilized O/C spray (1/2 to 1 second burst) to the target specific areas of inmate Blake.

Once the inmate was restrained, he was escorted to RHU at 8:46am and placed in the shower module for decontamination. Inmate Blake was asked if he wanted to decontaminate approximately five times by Lt. D. Bogle, where the inmate refused each time.

All applicable employees were provided an Employee Treatment Record form for submission.

At approximately 9:02am, inmate Blake was placed in RHU #1 on 5-point restraints (K. Payne-camera, Sgt. J. Remines-upper extremity right wrist, upper extremity left wrist-Sgt. J. Edmonds, lower extremity right leg-Sgt. E. Browning, and lower extremity left leg-D. Cline).

At approximately 9:08am, Nurse Johnson advised that the inmate's vitals were within normal limits.

At approximately 9:15am, the team exited the cell, with no injuries to report.

At approximately 12:45p, a cell extraction team was assembled (Sgt. E. Browning-camera, upper extremity left wrist-J. Salyers, upper extremity right wrist-D. Smith, lower extremity left leg-B. Dye, lower extremity right leg-D. Cline) and entered RHU #1 to remove inmate Black from 5-point restraints, and place him in transportation restraints (footage recorded), consisting of a jumpsuit, transportation shoes, wrist restraints, black box, waist chain, and leg restraints. Nurse Cordle was present on site and confirmed the inmate had normal limitations and was not disclosed of any injuries by the inmate. Inmate Black exited the back of intake and was placed in security van SV-02 (72-3925), with Officer Whited (driver) and Sgt. Edmonds (driver), both armed. Transportation exited the Sallyport, en-route to WRSP at 1:06pm.

Addendums:		
Start Date & Time:	Comments:	
Notifications:		
Name:	Title:	Date/Time Notified:
Lee, David A.	Major	September 13, 2022 @ 08:40 AM
Collins, Dennis R	AW	September 13, 2022 @ 09:00 AM
Hicks, Tiki N	Warden	September 13, 2022 @ 09:00 AM
Maldonado, Luis	OLU	September 13, 2022 @ 09:24 AM
Reporting Staff:	Bogle, David	Title/Shift: 552 Lieutenant, B Break, Day
Date Reported:	09/13/2022	Time: 10:14 AM
Approved By:	Title:	
Action Taken:	Review Date:	

Offender Name: <u>Blake, Isaac</u>	Number: <u>1106405</u>	Facility: <u>NCC</u>	Date: <u>4/5/2021</u>
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BLAKE 381 0184

